Image 1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ali I. FATTOM et al.

Title: GLYCOCONJUGATE VACCINES FOR USE IN IMMUNE-COMPROMISED POPULATIONS

Appl. No.: 09/955,585

Filing Date: 09/19/2001

Examiner: Unassigned

Art Unit: Unassigned

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 4, 2003, Applicant hereby provisionally elects Group I, Claims 1-3, 11, 12, and 14-19, for examination, with traverse.

Applicants respectfully traverse the present restriction. According to MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions...For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art or a different field of search as defined in MPEP §808.02."

All of the groups are identified by the examiner as being classified in the same class and subclass, namely, Class 424, subclass 197.11, one of the criteria which can be used to demonstrate a serious search burden. And the examiner has cited no patents which are evidence of separate status in the art, or a separate field of search,

the only alternatives provided to separate classification for demonstrating a serious burden on the examiner as required by MPEP §808.02. Accordingly, evidence in support of a serious burden has not been provided.

More particularly, the examination of all of the groups would ***not*** require a different field of search. That is to say, the classification provided by the examiner shows that the requisite search ***would be*** coextensive, *i.e.*, the examiner would be looking in the same subclass for each of the immunization methods.

Furthermore, the basis for restriction that is proposed by the examiner is that "the inventive groups ... are directed to different products; restriction is deemed proper because these products appear to constitute patentably distinct inventions." The present claims are not directed to products, but rather to immunization methods. Accordingly, no rational reason in support of restriction has been stated.

Respectfully submitted,

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